# Chapter 204

## 1965 REPLACEMENT PART
(1967 reprint)

# County Officers (Election, Compensation, Expenses, Deputies, Fees, Office Hours)

### ELECTION OF COUNTY OFFICERS; COUNTY JUDGE PRO TEM


204.005 Election of county officers
204.010 Terms of office of county officers
204.013 Numbered positions for office of county commissioner
204.016 Qualifications for county office
204.017 Election of county commissioners by numbered position
204.020 When terms of office commence; filing certificate of election, oath and undertaking
204.025 Official undertaking of sheriff
204.030 Official undertaking of clerk
204.035 Official undertaking of county treasurer
204.040 Official undertaking of assessor, surveyor and commissioner
204.045 Bond of recorder of conveyances
204.050 Payment of premiums on bonds of county officers
204.055 When new undertaking required; effect of default
204.060 Justification of sureties
204.065 Appointment of county judge pro tem
204.070 Oath of judge pro tem
204.075 Compensation of judge pro tem


### COMPENSATION OF COUNTY OFFICERS, DEPUTIES AND OTHER EMPLOYES


204.101 Compensation of county officers, deputies and employes to be fixed by county court
204.111 Compensation fixed under ORS 204.101 as exclusive compensation
204.121 Compensation and appointment of deputies and employes in counties subject to county civil service law
204.131 Effective date of compensation initially fixed; effective date of change in compensation of elective officers; diminishing judicial officer's compensation
204.141 Approval by budget committee of change in compensation of elective officers
204.151 Reduction by county court of proposed increase in compensation of elective officers
204.241 Personnel and salary statements of Clackamas County officers
204.245 Personnel and salary statements of Multnomah County officers
204.250 Multnomah County salary fund
204.255 Payment of salaries from fund
204.260 Withholding of salaries
204.265 Payment of salaries of certain officers in Multnomah County
204.335 Claims of commissioners for compensation


### ALLOWANCE OF TRAVELING AND OTHER EXPENSES OF COUNTY OFFICERS AND SUBORDINATES


204.401 Travel and other expenses of county officers and employes
204.410 Mileage of county clerk and sheriff
204.412 How mileage of sheriffs computed
204.415 Expenses of sheriff in making arrests and returning prisoners
204.421 Expenses of sheriff in conveying convicts and mentally ill persons to state institutions
204.425 Expenses of sheriff in caring for property in his custody
204.445 Statement of Clackamas County officers entitled to mileage
204.525 Statement of Multnomah County officers entitled to mileage


### DEPUTIES AND OTHER EMPLOYES (NUMBER, APPOINTMENT AND AUTHORITY)


204.601 Number and appointment of deputies and other employes
204.625 Deputy of county clerk
204.630 Deputy of recorder
204.635 Deputies of sheriff; special appointments; authority of deputy; liability of sheriff for certain deputies
204.640 Deputies of treasurer
204.645 Deputy Multnomah County coroner
204.650 Deputies of surveyor
204.685 Multnomah County deputies
204.700 Paying per diem to teamsters and laborers in Multnomah County


### DISPOSITION OF AND ACCOUNTING FOR FEES BY COUNTY OFFICERS AND EMPLOYES


204.801 Disposition of fees received by county officers and employes
204.805 Deposit with treasurer of fees collected by officers in counties over 100,000
204.820 Accounting for fees collected by Clackamas County officers
204.845 Duties of officers collecting fees in Multnomah County
204.850 Accounting for fees collected by Multnomah County officers
204.855 Duties of officers collecting fees in Multnomah County
204.870 Naturalization fees in counties other than Multnomah


### COUNTY OFFICE HOURS


204.905 Office hours in Multnomah County
204.910 Office hours in counties other than Multnomah
204.920 Counties other than Multnomah may decrease statutory Saturday office hours

## CROSS REFERENCES

Agricultural land, board of review to advise assessor on valuation, 308.350
Assessor, duties of, Ch. 308
Assessor, special, appointment of, where assessor fails to act, 308.055
Auditors, Ch. 210
Civil service law in Multnomah County, 241.020
Collective bargaining with public employes, 243.710 to 243.760
County charter committee, 203.750
County clerks and recorders of conveyances, Ch. 205
County engineer, 368.055 to 368.065, 368.075
County extension agent, 568.790
County home rule, Const. Art. VI, § 10
County juvenile director or counselor, 419.604
County school superintendent, Ch. 329
County service officer, 408.410
County wind erosion inspector, 568.850
Deputy Chief Medical Investigator in Multnomah County, 146.310
Emergency succession in event of enemy attack, 236.440
Injured county employes, contributions by governing body for support of, 203.124
Insurance for county officers and employes, 203.122
Labor conciliation services for political subdivisions and employes, 662.435
Legal counsel for defense of public officer, 8.690, 243.610
Liability of county officers for exceeding county expenditure limitation, 294.105
Metropolitan study commissions, appointment to, 199.110 to 199.310
Peace Corps volunteers, leave of absence for, 236.040
Registrar of elections for Multnomah County, 246.300
Resignations, removals, vacancies and transfers in county offices, Ch. 236
Retirement of county elective officers and employes, Ch. 238
Sheriffs, Ch. 206
Surveyors, Ch. 209
Treasurers, Ch. 208
Vacancies in county offices, Const. Art. VI, § 9

**204.005**

Constable, election of, 51.610
County clerk, election of, Const. Art. VII (O), § 15
Election of county judge, Const. Art. VII (O), § 11; Art. VII (A), § 1
Election of county officers, Const. Art. VI, §§ 6, 7
Manner of selecting officers for new counties, 202.100, 202.110
Separate office of recorder of conveyances in counties with over 1,200 voters, Const. Art. VII (O), § 15
Time of holding elections, Const. Art. II, § 14; 250.010

**204.010**

Term of county officers, Const. Art. VI, § 6; Const. Art. XV, § 1

**204.016**

Ineligibility to hold office as punishment for unlawfully influencing conduct of voters, 260.770
Qualifications of county officers, Const. Art. VI, § 8
Religious test as qualification for office prohibited, Const. Art. I, § 4

**204.020**

Certificate of election by clerk to sheriff, 206.080
Oath of officers, Const. Art. XV, § 3
Time of assuming duties of office, Const. Art. II, § 14

**204.025**

Bond to state or political subdivision not invalidated by omission of statutory provision, 743.759
Sheriff's bond as tax collector, 311.060

**204.030**

Bond to state or political subdivision not invalidated by omission of statutory provision, 743.759

**204.035**

See Cross References to 204.030

**204.040**

See Cross References to 204.030

**204.045**

See Cross References to 204.030

**204.050**

Payment of Multnomah County treasurer employes' bond premiums, 208.180
Payment of premiums of corporate surety bonds, 743.738

**COMPENSATION OF COUNTY OFFICERS, DEPUTIES AND OTHER EMPLOYES**

Insurance and other benefits for county officers and employes, 203.122
Local Budget Law, Ch. 294
Salaries of district attorneys and deputies, Ch. 8
Salaries of investigators in divorce, annulment or separation proceedings, 107.430
Salaries of staff of probate court in Multnomah County, 8.510
Watermasters, 540.071 to 540.090

**204.410**

Mileage allowances for:
Constables, 51.630
Jurors, 10.065, 10.340
Witnesses, 44.430, 44.440
Mileage of sheriff serving process in civil proceedings, 21.410(18)

**204.412**

Computing mileage of constable, 51.530

**204.425**

Expense of custodian for property in sheriff's custody, 21.410(19)

**DEPUTIES AND OTHER EMPLOYES (NUMBER, APPOINTMENT AND AUTHORITY)**

Overtime compensation for county employes, 279.340, 279.342
Retirement of county employes, Ch. 238
Special deputies of constable, 51.620
Staff of probate court in Multnomah County, 8.510

**204.635**

Deputies and clerical assistance for tax collector, 311.065
Staff of sheriff's office, 206.210 to 206.250

**204.640**

Administrative assistant to Multnomah County treasurer, 208.190
Payment of Multnomah County treasurer employes' bond premiums, 208.180

**204.650**

Entry upon private land to survey or lay out sewage disposal and other service facilities, 451.590

**DISPOSITION OF AND ACCOUNTING FOR FEES BY COUNTY OFFICERS**

County clerk's fees, Ch. 205
County recording officer's fees, Ch. 205
Fees generally, Ch. 21
Justice of peace fees turned over to county treasurer monthly, 51.310, 51.340 to 51.360
Sheriff's fees, 21.410

**204.801**

Fees collected by surveyor, 209.080, 209.240

**COUNTY OFFICE HOURS**

Office hours of county clerk for voter registration, 247.100; on election days, 246.270

## ELECTION OF COUNTY OFFICERS; COUNTY JUDGE PRO TEM

**204.005 Election of county officers.** (1) There shall be elected at the general election, by the qualified voters of each county, the following county officers:

(a) A sheriff.

(b) A county clerk.

(c) A county assessor.

(d) A county treasurer.

(e) A county surveyor.

(f) A county commissioner; provided, in Multnomah County at the general election in 1954 and every four years thereafter there shall be elected two county commissioners and at the general election in 1952 and every four years thereafter there shall be elected one county commissioner; and provided further, in any county where there is a vacancy from any cause in the office of county commissioner, there shall be elected an additional commissioner to fill the vacancy.

(2) In addition to the two county commissioners provided for by law for Lane County on April 28, 1953, there shall be elected at the regular general election in 1954, and at the regular general election every four years thereafter, one county commissioner, who shall possess the same qualifications, receive the same compensation, have the same powers and duties, and be otherwise subject to the same provisions of law as the county commissioners of Lane County serving on April 28, 1953.

(3) In addition to the two county commissioners provided by law for Clackamas County on August 5, 1959, there shall be elected at the regular general election in 1960, and at the regular general election every four years thereafter, one county commissioner, who shall possess the same qualifications, receive the same compensation, have the same powers and duties, and be otherwise subject to the same provisions of law as the county commissioners of Clackamas County serving on August 5, 1959.

(4) In addition to the two county commissioners provided by law for Douglas County on September 2, 1963, there shall be elected at the regular general election in 1964, and at the regular general election every four years thereafter, one county commissioner, who shall possess the same qualifications, receive the same compensation, have the same powers and duties, and be otherwise subject to the same provisions of law as the county commissioners of Douglas County serving on September 2, 1963.

(5) In each county which has abolished the office of county judge under ORS 203.230 there shall be elected, in lieu of a county judge, a county commissioner, who shall be elected at the general election designated in subsection (3) of ORS 203.230, and every four years thereafter.

(6) There shall be elected at the general election, by the qualified voters of the counties of Linn, Marion and Umatilla, a recorder of conveyances.

(7) The general election at which any county assessor, county treasurer, county surveyor or county commissioner must be elected is the general election next preceding the expiration of the term of the then incumbent of such office.

[Subsection (2) enacted as 1953 c.477 §2; subsection (3) enacted as 1959 c.174 §3; 1959 c.628 §1; 1961 c.571 §3; subsection (4) enacted as 1963 c.386 §2; 1965 c.221 §21]

**204.010 Terms of office of county officers.** (1) Except as provided in subsection (2) of this section, the term of office of each officer mentioned in ORS 204.005 is four years, and until his successor is elected and qualified.

(2) When two or more county commissioners are elected for one county at a general election and one of them is elected to fill a vacancy, as provided in paragraph (f) of subsection (1) of ORS 204.005, one of them shall hold his office for two years and the others four years, and until their successors are elected and qualified.

**204.013 Numbered positions for office of county commissioner.** (1) In each county that has a board of county commissioners, each office of county commissioner shall be designated by number as Position No. 1, Position No. 2 or Position No. 3.

(2) After September 2, 1963, in every county having a board of county commissioners, or when a board of county commissioners is established in any county, the county clerk shall assign a position number to each office on the board of county commissioners. The number so assigned shall be certified by the county clerk to the commissioner in office holding that position. One copy of the certification shall be sent to the Secretary of State, and one copy shall be filed in the office of the county clerk.

[1963 c.329 §1]

**204.015** [Repealed by 1957 c.555 §1 (ORS 204.016 enacted in lieu of ORS 204.015)]

**204.016 Qualifications for county office.** (1) A person is not eligible to any office listed in subsection (1) of ORS 204.005 unless he is a citizen of the United States, a qualified elector under the Oregon Constitution and a resident of the county wherein he is elected for the period of one year next preceding his election, except that in counties of less than 20,000 population the requirement of residency in the county wherein he is elected shall not apply to the county surveyor.

(2) A person is not eligible to hold the office of county surveyor unless he is registered under the laws of this state as a registered professional engineer or a registered professional land surveyor.
[1957 c.555 §2 (enacted in lieu of ORS 204.015)]

**204.017 Election of county commissioners by numbered position.** (1) In all proceedings for the nomination or election of candidates for or to the office of county commissioner in each county having a board of county commissioners, every petition for nomination, declaration of candidacy, certificate of nomination or election, ballot or other document used in connection with the nomination or election shall state the position number of the office to which the candidate aspires, and his name shall appear on the ballot only for the designated position.

(2) Each voter shall have the right to vote for only one candidate for each position on the board, and the candidate for each position receiving the highest number of votes for such position shall be considered nominated or elected, as the case may be.
[1963 c.329 §2]

**204.020 When terms of office commence; filing certificate of election, oath and undertaking.** (1) The term of office of each officer mentioned in subsection (1) of ORS 204.005 shall commence on the first Monday of January next following his election.

(2) Before entering upon any office listed in subsection (1) of ORS 204.005, the person elected must qualify by filing with the county clerk of the county wherein he is elected his certificate of election, with an oath of office indorsed thereon, and subscribed by him, to the effect that he will support the Constitution of the United States and of this state, and faithfully demean himself in office. Such person shall also give and file the undertaking provided for in ORS 204.025 to 204.060.

(3) The county clerk of Multnomah County shall, before entering upon the duties of his office, qualify by filing with the treasurer of Multnomah County his certificate of election, with an oath of office indorsed thereon, and subscribed and sworn to by him, to the effect that he will support the Constitution of the United States and of this state and faithfully demean himself in office, and by giving to the state and filing with such treasurer the official undertaking provided in subsection (3) of ORS 204.030.

**204.025 Official undertaking of sheriff.** (1) The official undertaking of the sheriff must be given to the state in the sum of $10,000, with two or more sufficient sureties, who must be residents of the county, and have the qualifications of bail upon arrest; provided, when in the opinion of the county court the sum named is insufficient, the undertaking may be increased to $15,000.

(2) The undertaking must be approved by the county court, and filed with the county clerk.

(3) The undertaking may be substantially in the following form:

---

"Whereas at an election held on November ——, 19—, A. B. was duly elected sheriff of ———— County, we, C D and E F, hereby undertake that if A B shall not faithfully pay over, according to law, all moneys that may come into his hands by virtue of his office, and otherwise well and faithfully perform the duties of such office, then we, or either of us, will pay the State of Oregon the sum of $10,000."

---

**204.030 Official undertaking of clerk.** (1) The official undertaking of a county clerk must be given, approved and filed in the manner prescribed for the official undertaking of a sheriff, and must be in the same amount.

(2) The undertaking may be in substantially the same form as that of a sheriff, substituting the name of "county clerk," for that of "sheriff."

(3) The official undertaking of the county clerk of Multnomah County shall be in the sum of $25,000, with two or more good and sufficient sureties, who must be residents of the county and have the qualification of bail upon arrest. The undertaking must be approved by the county judge, and must be to the effect that the clerk will faithfully perform all the duties of his

office and well and truly according to law pay over and deliver all moneys, books, papers and other property, which shall come into his possession by virtue of his office.
[Amended by 1965 c.221 §22]

**Note:** The 1965 amendments to ORS 204.030 and 204.410 first become operative when the office of Multnomah County Coroner becomes vacant or when the term of the incumbent expires in January 1969, whichever occurs first. Until then, ORS 204.030 and 204.410 (1963 Replacement Part) remain operative. See 1965 c.221 §29.

**204.035 Official undertaking of county treasurer.** (1) The official undertaking of a county treasurer must be given to the state in a sum not less than $10,000 nor more than $100,000, to be fixed by order of the county court, with two or more sufficient sureties, who must be residents of the county and have the qualifications of bail upon arrest, or a surety company authorized to do business in this state.

(2) The undertaking must be approved by the county court, and filed with the county clerk.

(3) The undertaking may be substantially in the following form:

"Whereas at an election held on November ——, 19—, A B was duly elected county treasurer for ———— County, we, C D and E F, hereby undertake that if A B shall not faithfully keep, account for and pay over according to law all moneys that may come into his hands by virtue of his office, and otherwise well and faithfully perform the duties of such office, then we, or either of us, will pay to the State of Oregon, the sum of $———."

[Amended by 1953 c.306 §17]

**204.040 Official undertaking of assessor, surveyor and commissioner.** (1) The official undertaking of a county assessor and county surveyor must be given, approved and filed in the manner prescribed for the official undertaking of a county treasurer, but the amount must be $5,000.

(2) The undertaking may be in substantially the same form as that of a county treasurer substituting the name of "county assessor" or "county surveyor" for that of "county treasurer."

(3) A commissioner of the county court is not required to give an undertaking.

**204.045 Bond of recorder of conveyances.** The recorder of conveyances in the counties of Linn, Marion and Umatilla shall execute to the State of Oregon, and file with the county clerk of his county, a surety bond in the penal sum of $2,000, to be approved by the county judge of his county, with a condition that he will faithfully, correctly and impartially perform all the duties of his office, and shall deliver to his successor in office all books, records, maps, deeds, mortgages, papers and property belonging to his office.

**204.050 Payment of premiums on bonds of county officers.** It shall be the duty of the county court to pay out of the general fund the premiums on corporate surety bonds furnished by all county officials.

**204.055 When new undertaking required; effect of default.** When it satisfactorily appears to the county court that the sureties in an official undertaking are dead or insufficient, or have removed from the county, such court, upon reasonable notice to the officer giving the undertaking, must require him to give a new undertaking, with sufficient sureties. In default of compliance with such order, the office is to be deemed vacant.

**204.060 Justification of sureties.** The sureties in the official undertakings in this chapter mentioned, other than that of a recorder of conveyances, must justify before the county court as bail upon arrest; and their justification must be filed with the undertaking.

**204.065 Appointment of county judge pro tem.** Whenever because of illness or injury an elected county judge is incapacitated and unable to perform the duties of his office, and such facts are made to appear by the affidavit of one or more physicians, licensed to practice in this state, filed in the office of the Secretary of State, the Governor shall appoint some competent and qualified person county judge pro tem, who shall serve until the termination of the incapacity of the elected county judge has been evidenced in the same manner as the incapacity was originally evidenced, or until the expiration of the term of office, whichever shall first occur, or until the appointment may be revoked for cause by the Governor. Such appointment shall not vacate the office of the elected county judge nor discontinue his salary.

**204.070 Oath of judge pro tem.** Before entering upon the performance of the duties of county judge pro tem, the appointee shall subscribe and file in the office of the county clerk the same oath of office required of an elected county judge.

**204.075 Compensation of judge pro tem.** A county judge pro tem shall receive from the county compensation for his services at the same rate and in the same manner as the elected county judge.

**204.080 to 204.100** [Reserved for expansion]

## COMPENSATION OF COUNTY OFFICERS, DEPUTIES AND OTHER EMPLOYES

**204.101 Compensation of county officers, deputies and employes to be fixed by county court.** (1) The county court or board of county commissioners of each county shall fix the compensation of its own members and of every other county officer, deputy and employe, including justices of the peace, constables and elective district court clerks, but excluding district court judges and any court officer appointed by any judge or judges of either the circuit or district courts exercising jurisdiction in the county and compensated from county funds, where the compensation of such officers, deputies and employes is to be paid from county funds.

(2) Notwithstanding subsection (1) of this section and ORS 204.111, the annual compensation of the Multnomah County Coroner shall be $16,200.
[1953 c.306 §1; 1965 c.89 §1]

**Note:** The 1965 amendment that added subsection (2) to ORS 204.101 is intended to be temporary and to end on July 1, 1966. See 1965 c.89 §3.

**204.105** [Repealed by 1953 c.306 §18]

**204.110** [Repealed by 1953 c.306 §18]

**204.111 Compensation fixed under ORS 204.101 as exclusive compensation.** (1) The compensation fixed under ORS 204.101 constitutes full and exclusive compensation for official services rendered to the county, and includes compensation for any special services rendered to the county, such as those performed by the county clerk as clerk of the district court.

(2) No other compensation, commission or fees for services rendered to the county shall be allowed to, received or retained by any county officer, deputy or employe whose compensation is fixed under ORS 204.101, except for the performance of marriage ceremonies and surveys for private persons by county surveyors.
[1953 c.306 §5]

**204.115** [Repealed by 1953 c.306 §18]

**204.120** [Renumbered 204.241]

**204.121 Compensation and appointment of officers, deputies and employes in counties subject to county civil service law.** It is the intent of the legislature that no provision of ORS 204.101, 204.111, 204.131 or 204.601 shall supersede any provision of the county civil service law, and when any conflict arises between any provision of ORS 204.101, 204.111, 204.131 or 204.601 and any provision of the county civil service law, then the county civil service law shall prevail.
[1953 c.306 §10]

**204.125** [Repealed by 1953 c.306 §18]

**204.130** [Repealed by 1953 c.306 §18]

**204.131 Effective date of compensation initially fixed; effective date of change in compensation of elective officers; diminishing judicial officer's compensation.** (1) The county court or board of county commissioners of each county shall initially fix the compensation of all county officers, deputies and employes under ORS 204.101 prior to and to be effective upon July 1, 1953. The compensation of any elective county officer so fixed shall remain in effect unless changed prior to and effective upon July 1 of any year thereafter.

(2) Nothing in this section or ORS 204.101 shall be construed to require or authorize the diminishment of the compensation of justices of the peace and judges of county courts having judicial functions during the term for which they are elected.
[1953 c.306 §2; 1961 c.395 §1]

**204.135** [Repealed by 1953 c.306 §18]

**204.140** [Repealed by 1953 c.306 §18]

**204.141 Approval by budget committee of change in compensation of elective officers.** Before any change in the compensation of an elective county officer is effective, it shall be submitted to and approved by the county budget committee or tax supervising and conservation commission at a regular meeting.
[1953 c.306 §3]

**204.145** [Repealed by 1953 c.306 §18]

**204.150** [Repealed by 1953 c.306 §18]

**204.151 Reduction by county court of proposed increase in compensation of elective officers.** At any time prior to the making of the tax levy for the year in which any increase in the compensation of elective county officers is proposed to take effect, the county court or board of county commissioners may reduce or rescind the proposed increase.
[1953 c.306 §4]

**204.155** [Repealed by 1953 c.306 §18]

**204.160** [Repealed by 1953 c.306 §18]

**204.165** [Repealed by 1953 c.306 §18]

**204.170** [Repealed by 1953 c.306 §18]

**204.175** [Repealed by 1953 c.306 §18]

**204.180** [Repealed by 1953 c.306 §18]

**204.185** [Repealed by 1953 c.306 §18]

**204.190** [Repealed by 1953 c.306 §18]

**204.195** [Repealed by 1953 c.306 §18]

**204.200** [Repealed by 1953 c.306 §18]

**204.205** [Repealed by 1953 c.306 §18]

**204.210** [Repealed by 1953 c.306 §18]

**204.215** [Repealed by 1953 c.306 §18]

**204.220** [Repealed by 1953 c.306 §18]

**204.225** [Repealed by 1953 c.306 §18]

**204.230** [Repealed by 1953 c.306 §18]

**204.235** [Repealed by 1953 c.306 §18]

**204.240** [Repealed by 1953 c.306 §18]

**204.241 Personnel and salary statements of Clackamas County officers.** Each county officer of Clackamas County shall, at the close of business each month, render a verified statement to the auditor showing the name of the officer and each of his deputies, and the amount due each for service rendered during the month. Such statement shall also show the time such officer or his deputies were absent from their offices during the month for any reason other than in the performance of their official duties.
[Formerly 204.120]

**204.245 Personnel and salary statements of Multnomah County officers.** After July 1, 1965, each county officer of Multnomah County shall, at the close of business each two weeks, render a verified statement to the county auditor showing the name of the officer and each of his deputies, and the amount due each for service rendered during the two weeks. Such statement shall also show the time such officer or his deputies were absent from their office during those two weeks for any reason other than in the performance of their official duties.
[Amended by 1965 c.251 §3]

**204.250 Multnomah County salary fund.** A salary fund is created for Multnomah County, into which all fees, commissions, percentages, and compensations earned by and received by all county officers, and the district attorney and his deputies of the Fourth Judicial District, shall be paid, and from which salaries to be paid to officers shall be disbursed.

**204.255 Payment of salaries from fund** The salaries and wages of county officers of Multnomah County, their deputies and employes, and the portion, if any, of the salaries of the district attorney and his deputies of the Fourth Judicial District paid by Multnomah County shall be paid each two weeks beginning July 1, 1965. The county auditor of Multnomah County, on each payday, shall draw his warrant on such salary fund, subject to ORS 204.845, for the payment of the salary due such officers and their deputies. Warrants so drawn shall be payable only out of the salary fund, but if there is not sufficient money in such fund to pay the whole of the warrants drawn, a sufficient fund for that purpose shall, by order of the board of county commissioners, be transferred to the salary fund from the general fund of the county.
[Amended by 1965 c.251 §4]

**204.260 Withholding of salaries.** The county clerk of Multnomah County shall not draw his warrant for the payment of the whole or any part of the salary due or payable the county clerk, sheriff, assessor, treasurer, auditor and justices of the peace of Multnomah County and the district attorney of the Fourth Judicial District unless such officers shall have previously complied with ORS 204.250 to 204.260 and ORS 204.845, which compliance shall be certified to the board of county commissioners by the auditor. If it appears from such certificate that fees, percentages, commissions, charges or collections remain uncollected, it is unlawful for the county clerk to draw a warrant for the officers so in arrears, unless the amount remaining uncollected is deducted from the salary of the officers failing to pay the same, or, if the amount uncollected exceeds the salary for any one month, then so much thereof as will cover such salary

shall be credited to such officers, and the remainder deducted from the future salary of such officers until the whole amount is paid.

**204.265 Payment of salaries of certain officers in Multnomah County.** The salaries of the county clerk and sheriff of counties with a population over 400,000, according to the latest federal decennial census, shall be paid by warrant drawn on the county fund in pursuance of an order of the county court or board of county commissioners, as other claims against the county are audited and paid. If it is ascertained at any time that a county clerk or sheriff of a county of over 400,000 population, according to the latest federal decennial census, has received any money for fees and has not accounted for the same, or performed services without exacting fees therefor as required by law, or neglected his duty in any other respect, the payment of his entire salary shall be withheld until the officer has accounted for the full amount of fees actually earned, and paid the amount thereof to the county treasurer.

[Amended by 1963 c.519 §25]

**204.270** [Repealed by 1953 c.306 §18]

**204.275** [Repealed by 1953 c.306 §18]

**204.280** [Repealed by 1953 c.306 §18]

**204.285** [Repealed by 1953 c.306 §18]

**204.290** [Repealed by 1953 c.306 §18]

**204.295** [Repealed by 1953 c.306 §18]

**204.300** [Repealed by 1953 c.306 §18]

**204.305** [Repealed by 1953 c.306 §18]

**204.310** [Repealed by 1953 c.306 §18]

**204.315** [Repealed by 1953 c.306 §18]

**204.320** [Repealed by 1953 c.306 §18]

**204.325** [Repealed by 1953 c.306 §18]

**204.330** [Repealed by 1953 c.306 §18]

**204.335 Claims of commissioners for compensation.** (1) Each county commissioner, where his claim for pay as such commissioner is based upon a per diem and mileage basis, or either, shall prepare and file with the county clerk of his county an itemized sworn statement setting forth the day and date of the month on which his services for the county were performed and the nature of such services. If by law he is allowed mileage in the performance of such services, he shall set forth in such claim the number of miles actually traveled by him in going to and returning from the places where such services were performed and shall designate the names of such places as accurately as he can.

(2) No claim of a county commissioner for pay for his services as such shall be audited and paid by a county clerk, unless such claim conforms to subsection (1) of this section.

**204.340 to 204.400** [Reserved for expansion]

## ALLOWANCE OF TRAVELING AND OTHER EXPENSES OF COUNTY OFFICERS AND SUBORDINATES

**204.401 Travel and other expenses of county officers and employes.** The county court or board of county commissioners of each county may provide for:

(1) Mileage allowances or the allowance of travel expenses for those county officers, deputies or employes who are required to travel in the performance of their official duties, or may provide for the furnishing of transportation in county-owned vehicles.

(2) The allowance of necessary expenses, other than mileage and travel expenses, for county officers, deputies or employes who incur such expenses in the performance of their official duties.

[1953 c.306 §8]

**204.405** [Repealed by 1953 c.306 §18]

**204.410 Mileage of county clerk and sheriff.** (1) A county clerk or sheriff required to travel in order to execute or perform any public duty, in addition to the fees prescribed by law, is entitled to mileage at the rate of eight cents a mile, and no more, in going to and returning from the place where the service is performed.

(2) In counties with a population of more than 50,000, the sheriff shall not receive any mileage in criminal cases whatever, or on executions in civil or criminal cases.

[Amended by 1965 c.221 §23]

Note: See note for ORS 204.030.

**204.412 How mileage of sheriffs computed.** Mileage for any service by sheriffs shall in all cases be computed from the county seat or place of holding court in the county in which the officer performing the service resides.

**204.415 Expenses of sheriff in making arrests and returning prisoners.** When a sheriff is required to travel in another county or state to make an arrest or receive a

prisoner already in custody, he shall receive, upon filing with the county clerk an expense account duly rendered, his actual and necessary expense incurred in making such arrest and in returning such prisoner, to be audited as other claims against the county.

**204.420** [Repealed by 1957 c.78 §1 (ORS 204.421 enacted in lieu of ORS 204.420)]

**204.421 Expenses of sheriff in conveying convicts and mentally ill persons to state institutions.** (1) A sheriff is entitled to receive from the county his actual and necessary expenses incurred in transporting and conveying convicts and parole violators to the state penitentiary and mentally ill persons to a state mental hospital when conveyed by him in pursuance of the adjudication of an authorized tribunal of the state, to be audited and allowed as other claims against the county.

(2) All counties are entitled to receive reimbursement from the state in the amounts specified in subsection (3) of this section for the actual and necessary expenses incurred by the sheriff under subsection (1) of this section.

(3) Reimbursement by the state under subsection (2) of this section shall be as follows:

(a) Full reimbursement for transporting and conveying mentally ill persons to a state mental hospital.

(b) Full reimbursement for returning a parole violator to the state penitentiary.

(c) Seventy-five percent reimbursement for transporting and conveying a convict to the state penitentiary.

[1957 c.78 §2 (enacted in lieu of ORS 204.420)]

**204.425 Expenses of sheriff in caring for property in his custody.** A sheriff is entitled to claim from the plaintiff or moving party in any account, action or proceeding such reasonable sums of money as he may have been compelled to pay or incur in the care of property in his custody under attachment, execution or proceedings for the claim and delivery of personal property.

**204.430** [Repealed by 1953 c.306 §18]

**204.435** [Repealed by 1953 c.306 §18]

**204.440** [Repealed by 1953 c.306 §18]

**204.445 Statement of Clackamas County officers entitled to mileage.** Every officer of Clackamas County who is allowed by law to charge and collect mileage for the service of process or for other like service, shall at the end of each month prepare and deliver to the auditor a statement showing each process served, the title of the cause, the name of the deputy or other subordinate officer who made the service, the number of miles actually and necessarily traveled in making such service, the exact miles and the exact date when such service was made. Such statement shall be verified by the oath of such officer to the auditor, who shall examine the same. If any of the items are a lawful charge against the county the auditor shall cause the same to be presented for payment in like manner and under like restrictions as other claims against the county. No mileage shall be charged for service of two or more processes served upon the same trip by the same officer or deputy or person except for distance actually and necessarily traveled in serving such additional process.

**204.450** [Repealed by 1953 c.306 §18]

**204.455** [Repealed by 1953 c.306 §18]

**204.460** [Repealed by 1953 c.306 §18]

**204.465** [Repealed by 1953 c.306 §18]

**204.470** [Repealed by 1953 c.306 §18]

**204.475** [Repealed by 1953 c.306 §18]

**204.480** [Repealed by 1953 c.306 §18]

**204.485** [Repealed by 1953 c.306 §18]

**204.490** [Repealed by 1953 c.306 §18]

**204.495** [Repealed by 1953 c.306 §18]

**204.500** [Repealed by 1953 c.306 §18]

**204.505** [Repealed by 1953 c.306 §18]

**204.510** [Repealed by 1953 c.306 §18]

**204.515** [Repealed by 1953 c.306 §18]

**204.520** [Repealed by 1953 c.306 §18]

**204.525 Statement of Multnomah County officers entitled to mileage.** Every officer in Multnomah County who is allowed by law to charge and collect mileage for the service of process or other like service, shall at the end of each month prepare and deliver to the auditor a statement showing each process served, the title of the cause, the name of the deputy or other subordinate officer who made the service, the number of miles actually and necessarily traveled in making such service, and the exact date when such service was made. Such statement shall be verified by the oath of such officer to the auditor, who shall examine the same. If any of the items are a lawful charge against the county, the auditor shall cause the same to

be presented for payment in like manner and under like restrictions as other claims against the county. No mileage shall be charged for service of two or more processes served upon the same trip by the same officer or deputy or person, except for distance actually and necessarily traveled in serving such additional process.

**204.530** [Repealed by 1953 c.306 §18]

**204.535** [Repealed by 1953 c.306 §18]

**204.540** [Repealed by 1953 c.306 §18]

**204.545** [Repealed by 1953 c.306 §18]

**204.550** [Repealed by 1953 c.306 §18]

**204.555** [Repealed by 1953 c.306 §18]

**204.560 to 204.600** [Reserved for expansion]

## DEPUTIES AND OTHER EMPLOYES (NUMBER, APPOINTMENT AND AUTHORITY)

**204.601 Number and appointment of deputies and other employes.** (1) The county court or board of county commissioners of each county shall fix the number of deputies and employes of county officers whose compensation is to be paid from county funds.

(2) All such deputies and employes shall be appointed by such county officer, and shall hold office during the pleasure of the appointing officer.

[1953 c.306 §9]

**204.605** [Repealed by 1953 c.306 §18]

**204.610** [Repealed by 1953 c.306 §18]

**204.615** [Repealed by 1953 c.306 §18]

**204.620** [Repealed by 1953 c.306 §18]

**204.625 Deputy of county clerk.** Each county clerk may have a deputy to be appointed by such clerk in writing, and to continue during his pleasure. Such deputy has the power to perform any act or duty relating to the clerk's office that his principal has, and his principal is responsible for his conduct.

**204.630 Deputy of recorder.** (1) The recorder of conveyances may appoint a deputy, who shall hold his office during the pleasure of the recorder. Such appointment shall be in writing, filed and recorded in the office of the recorder of conveyances. The recorder so appointing and his sureties shall be responsible for the faithful performance of his duties by such deputy.

(2) In the absence or inability of the recorder of conveyances to perform the duties of his office, the deputy shall perform such duties during the continuance of such absence or inability.

**204.635 Deputies of sheriff; special appointments; authority of deputy; liability of sheriff for certain deputies.** (1) A sheriff's deputies shall be appointed by him in writing and continue during his pleasure. The sheriff of any county may appoint deputies in his county for the purpose only, and with authority only, to receive and serve summons and civil process in any suit or action. A certified copy of the appointment of a deputy sheriff shall be filed with the county clerk, and the person appointed shall, before entering upon the duties of the office, take and file with the county clerk the oath of office.

(2) A sheriff may also, by special written appointment, authorize any other person to do any particular act. A certified copy of such appointment shall be filed with the county clerk, unless indorsed upon the process, order or other paper so authorized to be served or executed.

(3) A deputy has the power to perform any act or duty that his principal has, and a person specially appointed to do a particular act has the same power in relation to the particular act authorized. The principal is responsible for the conduct of such deputy or person specially appointed except as provided in subsection (4) of this section.

(4) In counties having a civil service system covering deputy sheriffs, the sheriff shall not be responsible for the conduct of deputy sheriffs or persons specially appointed as provided in subsection (2) of this section.

[Amended by 1963 c.331 §12]

**204.640 Deputies of treasurer.** County treasurers may appoint one or more deputies, may take from them bond with sureties and may remove them at pleasure. The treasurer and his sureties shall be liable for all official acts of such deputies.

**204.645 Deputy Multnomah County coroner.** (1) For the purpose of facilitating inquiries and investigations and when, in the opinion of the coroner, it would be in the interests of economy, the coroner may, at his discretion, appoint any person, with the qualifications required for the office of coroner, within his jurisdiction as deputy coroner. The coroner shall be liable on his official bond for each wrongful act performed

by such person as deputy coroner as though the same had been performed by the coroner in person.

(2) Such deputy shall receive the same compensation for performing any work as the coroner himself would receive. The coroner shall not receive any remuneration for the services performed by such deputy.

(3) Such deputies are hereby given the full authority of the coroner in any inquiry or investigation for which they may be appointed. Before such person so appointed deputy coroner shall be empowered to act in any capacity as deputy coroner, the coroner shall file a written copy of such appointment with the county clerk.

[Amended by 1953 c.306 §17; repealed by 1965 c.221 §27]

Note: The repeal of ORS 204.645 becomes operative when the office of Multnomah County Coroner becomes vacant, or when the term of the incumbent expires in January 1969, whichever occurs first. See 1965 c.221 §29.

**204.650 Deputies of surveyor.** Deputies may be appointed by any surveyor, who, before they proceed to discharge their duties, shall take an oath, well, truly and faithfully to discharge the duties of deputy surveyors.

**204.655** [Repealed by 1953 c.306 §18]

**204.660** [Repealed by 1953 c.306 §18]

**204.665** [Repealed by 1953 c.306 §18]

**204.670** [Repealed by 1953 c.306 §18]

**204.675** [Repealed by 1953 c.306 §18]

**204.680** [Repealed by 1953 c.306 §18]

**204.685 Multnomah County deputies.** (1) Each deputy, assistant and clerk in the offices of the elective officers of Multnomah County and of the constable of the Portland District shall be appointed in writing by the officer in whose office the service is to be performed, which writing shall be filed in the office of the county clerk.

(2) Each such deputy, assistant and clerk shall, before entering upon the duties of his office, take the same oath of office required to be taken by the officer making the appointment, and such oath shall be indorsed on or attached to the writing by which he shall be appointed, and shall be filed with the county clerk and be a public record.

(3) Each such deputy, assistant and clerk shall have the power to perform any act or duty that the officer making the appointment may perform, and for the acts of such deputy, assistant and clerk the officer making the appointment shall be responsible.

(4) Each such deputy, assistant and clerk shall be continuously employed in the discharge of the duties of his office for at least eight hours of each judicial day, and may be directed and required to do and perform any work or duty pertaining to the office of the officer making the appointment. Such officer shall dispose, direct and employ all deputies, assistants and clerks in his office in such manner as to discharge the duties and responsibilities thereof at the least possible expense to the county.

(5) Salaries of each such deputy, assistant and clerk shall be paid out of the county treasury of Multnomah County in the same manner as salaries of county officers are paid.

(6) None of the provisions of the 1961 amendment to this section shall affect the provisions of ORS 204.905.

[Amended by 1961 c.559 §1]

**204.690** [Repealed by 1953 c.306 §18]

**204.695** [Repealed by 1953 c.306 §18]

**204.700 Paying per diem to teamsters and laborers in Multnomah County.** The per diem due from a county with a population of more than 400,000, according to the latest federal decennial census, to each teamster and laborer in its employ, shall be paid in the same manner as the mileage and per diem of jurors and witnesses.

[Amended by 1963 c.519 §26]

**204.705 to 204.800** [Reserved for expansion]

## DISPOSITION OF AND ACCOUNTING FOR FEES BY COUNTY OFFICERS AND EMPLOYES

**204.801 Disposition of fees received by county officers and employes.** All fees or commissions received by any county officer, deputy or employe whose compensation is fixed under ORS 204.101, by virtue of his office or employment, except for the performance of marriage ceremonies and surveys for private persons by county surveyors, shall promptly be paid into the county treasury.

[1953 c.306 §6]

**204.805 Deposit with treasurer of fees collected by officers in counties over 100,000.** In every county having a population of 100,000 or more, the sheriff, county clerk, superintendent of schools, constables, clerk of the district court and all other county officers who receive fees or other public money, or money in trust for litigants or

other persons, shall each business day turn over and deposit with the county treasurer all such money. This section shall not apply to tax moneys which shall be turned over by the tax collector to the treasurer at the times and in the manner provided by law.

204.810 [Repealed by 1953 c.306 §18]

204.815 [Repealed by 1953 c.306 §18]

**204.820 Accounting for fees collected by Clackamas County officers.** On or before the fourth day of each month every officer of Clackamas County authorized by law to charge any fee, commission, percentage, allowance or compensation must make and file with the auditor an itemized statement under oath of all moneys received by him during the preceding month, the nature of the service for which the charge was made and the amount of such charge. Such officer must at the same time or oftener, if required, exhibit to the auditor or other proper officer all the treasurer's receipts for moneys deposited with him during the preceding month, and all the receipts remaining in his hands unused or not issued at the close of business on the last day of the preceding month.

204.825 [Repealed by 1953 c.306 §18]

204.830 [Repealed by 1953 c.306 §18]

204.835 [Repealed by 1953 c.306 §18]

204.840 [Repealed by 1953 c.306 §18]

**204.845 Duties of officers collecting fees in Multnomah County.** (1) The county clerk, sheriff, assessor, treasurer, auditor and justices of the peace of Multnomah County and the district attorney of the Fourth Judicial District shall, when collecting fees, percentages, commissions and charges for or on account of any service rendered, except that no charge shall be made for services rendered for or on behalf of the state or of Multnomah County, keep a fee book, in which shall be entered all items of service performed, and fees, percentages, commissions and charges collected, with the name of the person or persons for whom service was performed, and the amount collected. Such book shall be open to public inspection during office hours. Each of such officers shall on the first Monday in each month make out in duplicate a full and correct transcript from his fee book of the entries for the preceding month, file one copy thereof with the county clerk and the other with the treasurer, and attach thereto an affidavit, duly subscribed and sworn to, as follows:

"I, [insert name of officer and name of office], do swear that the foregoing is a true and correct statement of all the fees, percentages, commissions, charges, compensations and collections of whatever nature or kind allowed by law, and collected by me in pursuance thereof, for services rendered by me or my deputies in my official capacity for the month of ——, 19—, and that I have paid the same to the county treasurer."

(2) If the officers named in subsection (1) of this section fail to collect in advance all fees, percentages, compensations, charges and collections established and allowed by law, and which are to be paid to the treasurer of Multnomah County, such officers shall be held liable on their official bond for the amount so remaining uncollected, and such amount shall be deducted from the salary of the officer failing to collect or pay the same over.

**204.850 Accounting for fees collected by Multnomah County officers.** On or before the fourth day of each month every officer of Multnomah County authorized by law to charge any fee, commission, percentage, allowance or compensation, must make and file with the auditor an itemized statement under oath of all moneys received by him during the preceding month, the nature of the service for which the charge was made and the amount of such charge. Such officer must at the same time, or oftener if required, exhibit to the auditor or other proper officer all the treasurer's receipts for moneys deposited with him during the preceding month, and all the receipts remaining in his hands unused or not issued at the close of business on the last day of the preceding month.

**204.855 Duties of officers collecting fees in Multnomah County.** (1) The clerk of the circuit court, county clerk, clerk of the county court or board of county commissioners, recorder of conveyances and sheriff in all counties with a population of more than 400,000, according to the latest federal decennial census, who collect the fees and charges mentioned in ORS 21.115, 21.270, subsection (3) of ORS 21.310, ORS 21.410 or 205.320, shall enter an account thereof in books kept in their several offices, and pay the same over to the county treasurer, except that the sheriff is not required to remit to the treasurer the amount received for the care or preservation of property.

(2) The officers named in subsection (1) of this section each shall keep a fee book, in which shall be entered all items of service performed and fees collected, with the names of the person or persons for whom such service was performed and the amount collected. The fee book shall be a public record. Each officer shall, when depositing fees with the county treasurer, as prescribed by ORS 204.805, take the treasurer's duplicate receipts therefor, specifying on the receipt so taken the kind of service performed, from whom received, and the amount received for such services. Each officer shall immediately file one duplicate receipt with the county auditor. The sheriff is not required to remit to the treasurer the amount received for any sums received for the care or preservation of property.

(3) When the official term of any officer named in subsection (1) of this section is terminated by expiration of time, death, resignation, removal from office or otherwise, the money in the custody of such officer by virtue of his office belonging to the county or litigants shall be immediately turned over to his successor in office, and duplicate itemized receipts shall be immediately filed with the county auditor.

[Amended by 1957 c.359 §2; 1963 c.519 §27; 1965 c.619 §36]

**204.860** [Repealed by 1953 c.306 §18]

**204.865** [Repealed by 1953 c.306 §18]

**204.870 Naturalization fees in counties other than Multnomah.** No fees collected by the United States in naturalization proceedings shall be paid to any county having a population of less than 400,000, according to the latest federal decennial census.

[Amended by 1963 c.519 §28]

**204.875 to 204.900** [Reserved for expansion]

## COUNTY OFFICE HOURS

**204.905 Office hours in Multnomah County.** In all counties having a population of 400,000, or more, according to the latest federal decennial census, the offices of all county officials shall be kept open for business on every day from 9 a.m. until 5 p.m. except Saturdays and nonjudicial days enumerated in ORS 1.060. Such offices may remain open on Saturday, in which case the officers in the various departments shall provide a rotation system among employes so that attendance upon the public business on Saturdays will be fairly divided among the employes of the department concerned, and the employes not required to be present may be relieved from their duties on such day.

[Amended by 1963 c.519 §29]

**204.910 Office hours in counties other than Multnomah.** The hours of business for all county offices in counties having a population of less than 400,000, according to the latest federal decennial census, shall be from 8:30 a.m. until 5 p.m. on every judicial day, except that on Saturdays such offices shall be closed at 12 noon; provided, that all offices having only one employe, deputy or assistant, may be closed between the hours of 12 noon, and 1:00 p. m. On Saturdays only a sufficient number of employes to transact the public business need be in attendance. The officers in the various departments shall provide a rotation system among employes so that attendance upon the public business on Saturdays will be fairly divided among the employes of the department concerned, and the employes not required to be present may be relieved from their duties on such day.

[Amended by 1959 c.53 §1; 1963 c.519 §30]

**204.915** [Repealed by 1959 c.53 §3]

**204.920 Counties other than Multnomah may decrease statutory Saturday office hours.** (1) Notwithstanding the provisions of ORS 204.910, the county court or board of county commissioners of any county having a population of less than 400,000, according to the latest federal decennial census, may regulate by order, as provided in this section, the Saturday office hours of the various offices of county officials. Before adopting or modifying such an order the county court or board of county commissioners shall hold a public hearing at which the order to be adopted or modified may be discussed by the residents of the county. Notice of such hearing shall be given by publication thereof in a newspaper of general circulation in the county once each week for two consecutive weeks, the first publication of such notice to be not less than 15 days prior to the date of such hearing.

(2) An order adopted or modified under subsection (1) of this section may not:

(a) Increase, as to any office, the Saturday office hours specified in ORS 204.910.

(b) Conflict with ORS 247.100.

[1955 c.441 §1; 1959 c.53 §2; 1963 c.519 §31; 1965 c.344 §28]

## CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on November 15, 1965.

Sam R. Haley
Legislative Counsel